

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

U.S. MARITIME ADMINISTRATION,  
PETE BUTTIGIEG, in his official capacity,  
and LUCINDA LESSLEY, in her official  
capacity,

Defendants.

Civil Action No. 4:21-cv-132 (RCY/LRL)

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rule 56, Plaintiff Center for Biological Diversity respectfully moves that this Court grant summary judgment and relief in its favor on all claims raised against Defendants Pete Buttigieg, Lucinda Lessley, and the U.S. Maritime Administration (collectively, “Defendants”) in the above-captioned action. As explained in Plaintiff’s brief in support of this motion, Plaintiff challenges Defendants’ failure to initiate and complete consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) (together, the “Services”) on the America’s Marine Highway Program and on the issuance of grants for the James River Container Expansion Project to ensure that the Defendants’ actions will not jeopardize endangered or threatened species or impair their critical habitats as required pursuant to Section 7 of the Endangered Species Act (ESA).

Specifically, Plaintiff respectfully requests that the Court grant Plaintiff's motion for summary judgment; declare MARAD to be in violation of the ESA; declare that MARAD must consult with the Services on the America's Marine Highway Program and on issuance of grants for the James River Container Expansion Project; set a date certain by which MARAD must complete the required consultations; and provide any other appropriate relief.

Consistent with the Rule 16(b) Scheduling Order, ECF No. 21, Defendants will file an opposition to this motion and cross-motion for summary judgment.

Dated: March 25, 2022.

Respectfully submitted,

/s/ Hannah Connor

Hannah Connor (VSB # 74785)

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*Attorneys for Center for Biological Diversity*

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that the service was perfected on all counsel of record and interested parties through this system, which will deliver a true and correct copy of the foregoing document via CM/ECF.

Date: March 25, 2022

By: s/ Hannah Connor

Hannah Connor